

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**GERALDINE WILLIAMS,**

**Plaintiff,**

**v.**

**CIV 12-0716 MCA/LAM**

**MALCOLM CURTIS, EL PASO NATURAL  
GAS CO., INC., and STEELCASE, INC.,**

**Defendants.**

**STIPULATED CONFIDENTIALITY AGREEMENT AND ORDER**

**IT IS HEREBY STIPULATED** by and between the Plaintiff, Geraldine Williams, Defendant El Paso Natural Gas, Co., Inc., and Defendant Malcolm Curtis, through their respective attorneys of record, as follows:

**WHEREAS**, information and documents have been and may be sought, produced or exhibited by and between the parties to this action relating to confidential or proprietary information belonging to the Defendant, El Paso Natural Gas, Co., Inc. including sensitive and confidential information relating to a former employee, Malcolm Curtis;

**THEREFORE**, an Order of this Court protecting such information shall be and hereby is made by this Court on the following terms:

Accordingly, the Court **HEREBY ORDERS** as follows:

The parties shall use the following procedure for handling documents containing protected information.

1. All documents containing proprietary or confidential information, whether obtained through discovery or otherwise from either party or their respective officers, employees,

agents or consultants, shall be used only for the purposes of this particular lawsuit and not for any commercial, business, competitive, or other purpose whatsoever.

2. Defendant El Paso Natural Gas, Co., Inc. may designate as “confidential” any document, redacted or otherwise, or testimony that contains confidential or financial information and is being produced either formally or informally in connection with or during the process of discovery or trial. Confidential materials may be so designated by the Defendant El Paso Natural Gas, Co., Inc. prior to disclosure to counsel for Plaintiff or any other parties to this litigation, or, in the case of documents, after disclosure to opposing counsel but before the confidential material is photocopied or otherwise reproduced.

3. Defendant El Paso Natural Gas, Co., Inc. shall make the “confidential” designation by stamping or otherwise affixing a notice on the materials being produced. If the documents are not susceptible to stamping, counsel will, in some other appropriate manner, clearly designate the documents to be treated as “confidential” prior to delivery of copies to counsel for Plaintiff or any other parties to this litigation. In the case of testimony that is deemed confidential, counsel shall note on the record those portions of a witness’s testimony that are to be treated as confidential.

4. Confidential materials filed with the Court shall be filed in a sealed envelope or other appropriate sealed container on which shall be endorsed the caption of this case, the words “CONFIDENTIAL MATERIALS,” and a statement substantially as follows:

This envelope is sealed pursuant to order of this Court and contains information designated as confidential in this case by [name of party]. It is not to be opened or the contents thereof displayed or revealed except on order of the Court or pursuant to stipulation of all parties to this action.

The envelope or container shall not be opened without further Order of the Court except by persons specifically authorized by Order of the Court or by stipulation of the parties. The Clerk of the Court is hereby directed to maintain such confidential materials in a separate portion of the Court file not available to the public.

5. Except as otherwise provided herein, confidential materials shall be disclosed only to counsel engaged by a party or its insurer for representation in this action, in-house counsel employed by a party, a party's principal or individuals employed by a party charged directly with management responsibility for the subject matter of this action, and independent (i.e., non-employee) experts employed by such counsel. For purposes of this Order, the term "counsel" includes non-lawyer personnel employed by counsel as may be necessary to aid counsel in the representation of counsel's clients' interests.

6. The parties and their counsel shall take all steps reasonably necessary to see that no persons shall use, disclose, or record confidential information for any purpose other than as permitted by this Order.

7. Within ten (10) days of final order or judgment in this litigation, Plaintiff's counsel shall, upon request of any other party which produced confidential materials herein, return all confidential materials and copies thereof to the party making the request. All other confidential materials and copies thereof shall be destroyed within fourteen (14) days of final order or judgment in this litigation.

8. If the party receiving the confidential information intends to use or offer as evidence in any public judicial proceeding any confidential material, the party must first notify opposing counsel and give opposing counsel the opportunity to object to the use of such confidential materials. If objection is made and no agreement on the use of the confidential

materials can be reached, the Court will make a ruling on whether such materials may be used. However, if confidential materials are used at a hearing, deposition, trial, or other judicial proceeding, then such use shall not be deemed a waiver of the confidentiality of the material as defined and protected herein.

9. All persons who, through any proceeding, have disclosed to them confidential materials shall be shown a copy of this Order and shall agree to be bound by the terms hereof.

10. Except as agreed in writing by both parties, the provisions of this Order shall be subject to change only through further Order of this Court.

**IT IS SO ORDERED.**

  
**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**

Submitted by: *(Prior to modification by the Court)*

BUTT THORNTON & BAEHR PC

/s/ Felicia C. Boyd

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